

[OPEN MEETINGS LAW]

Wisconsin's Open Meetings Law and the County Deer Advisory Councils

DEFINITIONS

Meeting: the convening of members of a governmental body for the purpose of exercising the responsibilities, power or duties delegated to or vested in the body [...] (Sec. 19.82(1), Wisconsin State)

Governmental body: a state or local agency, board, commission, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order [...] (Sec 19.82 (1), Wisconsin State)

Walking quorum: a series of gatherings among separate groups of members of a governmental body, each less than quorum size, who agree, tacitly or explicitly, to act uniformly in sufficient number to reach a quorum.



All CDAC meetings will be open to members of the general public. CDAC chairs will be responsible for scheduling meetings and keeping the public informed. The Open Meetings Law outlines specific requirements for notifying the public about meetings of governmental bodies.



The two most basic requirements of the open meetings law are that a governmental body:

1. Give advance public notice of each of its meetings, and
2. Conduct all of its business in open session, unless an exemption to the open session requirement applies.

According to Wisconsin statute (§ 19.83(1)), "every meeting of a governmental body shall be preceded by public notice [...]." Notice must be given at least 24 hours before the meeting; shorter notice may be given only if, for good cause, 24-hour notice is impractical or impossible. In no case may less than two hours' notice be given.

The Open Meetings Law applies to meetings of governmental bodies. The Showers test establishes that a meeting occurs whenever:

1. Members convene for the **purpose** of conducting governmental business AND
2. The **number** of members present is sufficient to determine the body's course of action.

The **purpose** of conducting governmental business includes preliminary decisions, discussion and information gathering, but interaction among members is not required. However, based on the numbers requirement, members must convene for a meeting to occur. This is not limited to face-to-face gatherings or physical presence together; meetings can be conducted remotely. However, the number of members present must be sufficient to determine the governmental body's course of action on the business under consideration.

TIPS

- ✓ Continue to refrain from e-mail chat—great way to share information, but not to use for discussion purposes
- ✓ Put it on the agenda—to take action make sure an item is noted on the agenda
- ✓ Recording votes—make sure roll call votes are recorded in the minutes

[PUBLIC PARTICIPATION]



While the Open Meetings Law grants citizens the right to attend and observe open session meetings, it does not require a governmental body to allow members of the public to speak or actively participate in the meeting.

The open meetings law permits a portion of an open meeting to be set aside as a public comment period, but public comment periods are not required. Such a comment period must be included on the meeting notice.

ENFORCEMENT AND PENALTIES



Enforcement

Both the Attorney General and the district attorneys have authority to enforce the open meetings law.

In most cases, enforcement at the local level has the greatest chance of success due to the need for intensive factual investigation, the district attorneys' familiarity with the local rules of procedure and the need to assemble witnesses and material evidence.

Penalties

Any member of a governmental body who "knowingly" attends a meeting held in violation of the open meetings law, or otherwise violates the law, is subject to a forfeiture of between \$25 and \$300 for each violation.



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